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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,079	10/16/2003	Alberto Patarchi	163-511	9079
47888	7590	10/05/2006	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			PRESTON, ERIK D	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,079

Applicant(s)

PATARCHI, ALBERTO

Examiner

Erik D. Preston

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/2006 has been entered.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: In the next to last line of the claim, the phrase "...the motor chassis..." lacks proper antecedent basis and, for examination purposes, will be interpreted as saying "...a motor chassis..." Appropriate correction is required.

Claim 3 is objected to because of the following informalities: it is dependent upon canceled claim 2. For examination purposes, claim 3 will be treated as if it depends from claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 & 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Moeder et al. (US 4259623).

With respect to claim 1, Livings teaches an electric motor (Fig. 1, #4) with variable rotation speed comprising: A stator connected to at least one magnetic induction coil (Abstract); a rotor (Fig. 1, #4) on which are formed at least two magnetic poles each having opposite polarity (rotational electric motors inherently have at least two magnetic poles); said at least one coil being adapted to form on said stator at least two magnetic induction poles having an opposite polarity (again, rotational electric motors have at least two magnetic induction poles); and an adjusting device (as seen in Fig. 1) for adjusting said rotation speed of said rotor comprising an antijamming filter (Fig. 1, #2 & 3), characterized in that said antijamming filter comprises at least one portion of said magnetic induction coil (as seen in Fig. 1), said magnetic induction coil being divided into a first portion (Fig. 2, #1) and a second portion (Fig. 2, #1') connected to each other in series and said speed adjusting device is positioned between said first and second portions, but it does not explicitly teach the speed adjusting device being located inside a motor chassis. However, Moeder teaches a speed adjusting device being located within a motor chassis (Col. 6, Line 67-Col. 7, Line 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the speed adjusting device within a chassis such as is taught by Moeder because it provides a means for assembling a motor of the type as taught by Livings. It also would have been obvious to one of ordinary skill in the art at the time of the invention to mount the speed adjusting device of Livings in a motor chassis since it has been held that changing the

position of an element of an invention is prima facie obvious in the absence of new or unexpected results (In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

With respect to claim 3, Livings in view of Moeder teaches the electric motor of claim 1, and Livings teaches that said first and second portion are identical to each other (Page 4, Lines 18-32).

With respect to claim 4, Livings in view of Moeder teaches the electric motor of claim 1, and Livings teaches that said antijamming filter comprises an RC system (as seen in Fig. 1).

With respect to claim 5, Livings in view of Moeder teaches the electric motor of claim 1, and Livings teaches that said adjusting device comprises a phase shutting piloting circuit (Page 4, Line 40 - Page 5, Line 18).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Moeder et al. (US 4259623) in view of applicant's own admitted prior art in the specification. Livings in view of Moeder teaches the motor of claim 1, but does not explicitly teach the adjusting device comprising a phase "chopper" piloting circuit. However, the applicant states that "chopper" circuits are well known in the art (Page 1, Line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings with a chopper circuit because it converts the negative half wave of the motor induction coil's alternating current supply to positive, and the duty cycle of this resultant signal can be adjusted to control the current flow which in turn controls the rotational speed of the motor (Applicant's specification Page 1, Line 20 – Page 2, Line 4).

Claims 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Moeder et al. (US 4259623) further in view of Enescu (GB 2134739 supplied by applicant).

With respect to claims 7 & 8, Livings in view of Moeder teaches the motor of claim 1, and Livings teaches that the adjusting device has an out-of-phase condenser, but does not teach that the adjusting device acts exclusively on a single part of a group of action windings in a single or multi-phase motor. However, Enescu teaches an adjusting device acting exclusively on a single phase of a group of action windings in a single (Fig. 1) or multi-phase (Fig. 2) motor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings in view of the adjusting device as taught by Enescu because it provides a means for suppressing radio interference in an apparatus driven by an electric motor (Enescu, Abstract).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 & 3-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

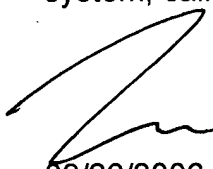
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone

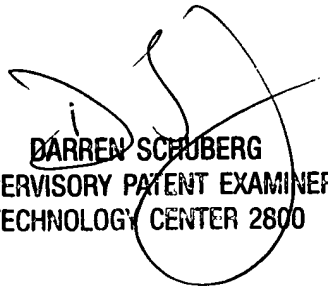
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



09/26/2006



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